

IN RE: PETITIONS FOR VARIANCE  
N/S Middleborough Road, 175' E  
of the c/l of Hilltop Avenue  
(1704 Middleborough Road); and  
N/S Middleborough Road, 125' E  
of the c/l of Hilltop Avenue  
(1702 Middleborough Road)  
Powerline Investments, Inc.  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 94-173-A and 94-174-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as combined Petitions for Variance filed by the owner of the subject properties, Powerline Investments, Inc., and the Contract Purchaser, Sierra Homes, Inc. The Petitioners seek relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet for both properties, and from Section 304 of the B.C.Z.R. to permit development of both undersized lots, all as more particularly described on the site plan submitted in each case marked as Petitioner's Exhibits 1.

Appearing on behalf of the Petitions filed were Karen Diehl, a representative of Powerline Investments, Inc., and Sandy Sperl-Echolman, Vice President of Sierra Homes, Inc., Contract Purchaser. The Petitioners were represented by David M. Meadows, Esquire. Several residents of the surrounding area appeared in opposition to the relief requested, namely, Anna Kanis, and Howard and Margaret Edelman.

Testimony indicated that the subject properties, known as 1704 and 1702 Middleborough Road, are located within the subdivision known as Hilltop Park in the Essex area of Baltimore County. Said properties are also known as Lots 56 and 55, respectively. The Petitioners are desirous of developing both lots with a single family dwelling in accordance with

the respective site plans marked as Petitioner's Exhibits 1. Due to the narrow width of each lot, the relief requested is necessary in order to develop the property as proposed. Both exhibits indicate that 10-foot side yard setbacks will be maintained on each lot. In further support of their request, the Petitioners submitted architectural renderings of the proposed dwellings to be constructed.

Appearing in opposition to the Petitioners' requests were several residents of the surrounding community. The residents are opposed to the construction of a dwelling on Lot 55, or 1702 Middleborough Road, stating as the reason that other lots on this side of the road are larger than 50 feet in width and that the lot sizes should remain consistent. Furthermore, they are concerned about storm water runoff which may be generated by a dwelling being constructed on this particular lot.

Testimony revealed that Lot 55 is part of a parcel of land that has been in single ownership for the past 40 years. That is, Lot 55 is part of a larger parcel consisting of Lots 55, 56 and 57. Lot 57 has been improved with a dwelling for many years. Testimony indicated that the original owner of that dwelling purchased Lots 55, 56 and 57 at the same time and that he constructed the dwelling on Lot 57 approximately 3 feet from the lot line separating Lots 57 and 56. Evidence presented indicated that the sidewalk on the east side of that dwelling actually borders the lot line between Lots 57 and 56. In the opinion of this Deputy Zoning Commissioner, this evidence the fact that whoever built the dwelling on Lot 57 did not intend to construct a dwelling on Lot 56. Inasmuch as this dwelling is situated on the property line, it would be totally inappropriate to allow a new dwelling to be constructed on Lot 56 due to the lack of adequate space between the houses. Likewise, it would be inappropriate to

permit a new dwelling to be constructed on Lot 55. The Petitioners should only be permitted to construct one single family dwelling on Lots 55 and 56. The lot line for Lots 55 and 56 should be readjusted so that the existing dwelling on Lot 57 is not situated on the lot line between Lots 57 and 56. Therefore, given the reasons set forth above, the Petitioners requests for variances for Lots 55 and 56 shall be denied.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 20 (1974).

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variances were denied. As noted above, the existing dwelling on Lot 57 is located on the property line. To permit construction of a dwelling on Lot 56, with only a 10-foot setback from the property line, would result in the new dwelling being only 10 feet away from the existing dwelling on Lot 57. The Petitioners have failed to show that compliance would

unreasonably prevent the use of the property or be unnecessarily burdensome. In the opinion of this Deputy Zoning Commissioner, it would be more appropriate for the Petitioners to construct one dwelling on combined Lots 55 and 56, leaving a greater distance between the proposed dwelling and the existing dwelling on Lot 57. This arrangement would be more in keeping with existing development on this side of Middleborough Road.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11<sup>th</sup> day of December, 1993 that the Petitions for Variance seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet for both properties, and from Section 304 of the B.C.Z.R. to permit development of both undersized lots, in accordance with Petitioner's Exhibits 1, be and is hereby DENIED.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TWK:bjs

ORDER RECEIVED FOR FILING  
Date 12/14/93  
By gjs

ORDER RECEIVED FOR FILING  
Date 12/14/93  
By gjs

ORDER RECEIVED FOR FILING  
Date 12/14/93  
By gjs

ORDER RECEIVED FOR FILING  
Date 12/14/93  
By gjs

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

December 14, 1993

Ms. Karen Diehl  
Powerline Investments, Inc.  
3203 Corporate Court  
Ellicott City, Maryland 21043

RE: PETITIONS FOR VARIANCE  
N/S Middleborough Road, 175' E of the c/l of Hilltop Avenue  
(1704 Middleborough Road); and N/S Middleborough Road, 125' E of the  
c/l of Hilltop Avenue (1702 Middleborough Road)  
Powerline Investments, Inc. - Petitioner  
Case Nos. 94-173-A and 94-174-A

Dear Ms. Diehl:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Variance have been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,  
*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TWK:bjs

cc: Mr. & Mrs. Howard Edelman  
1711 Hilltop Road, Baltimore, Md. 21221

Ms. Anna Kanis  
1703 Middleborough Road, Baltimore, Md. 21221

Ms. Sandy Sperl-Echolman  
Sierra Homes, Inc., 9728 Red Clover Court, Baltimore, Md. 21234

People's Counsel; Case file

## Petition for Variance

to the Zoning Commissioner of Baltimore County  
for the property located at 1704 MIDDLEBOROUGH ROAD  
which is presently zoned DE 55

This Petition shall be filed with the Office of Zoning Administration & Development Management.  
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1 TO PERMIT A

LOT WIDTH OF 50 FT IN LIEU OF THE REQUIRED 55 FT. AND TO  
ALLOW AN UNDERSIZED LOT PER SECT. 304 B.C.Z.R.  
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

TO allow a minimum building lot width  
of 50' instead of the required 55'

TO BE DETERMINED AT HEARING.

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of all variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Owner:

SIERRA HOMES, INC.

(Type or Print Name)

9728 RED CLOVER COURT

BALTIMORE, MD. 21234

Address

DAVID M. MEADOWS, ESQ.

(Type or Print Name)

3203 CORPORATE COURT # 687-0025 (AGENT)

Address

ELICOTT CITY, MD. 21043

Address and phone number of representative for respondent

KAREN DIEHL/POWERLINE INVESTMENTS, INC.

BALTIMORE, MD. 21236

Address

ESTIMATED LENGTH OF HEARING

Approximate length of hearing

Approximate length of hearing

Approximate length of hearing

Approximate length of hearing

Approximate length of hearing

Approximate length of hearing

Approximate length of hearing

Approximate length of hearing

Approximate length of hearing

Legal Owner(s):

POWERLINE INVESTMENTS, INC.

(Type or Print Name)

3203 CORPORATE COURT # 687-0025 (AGENT)

Address

ELICOTT CITY, MD. 21043

Address and phone number of representative for respondent

KAREN DIEHL/POWERLINE INVESTMENTS, INC.

BALTIMORE, MD. 21236

Address

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#### ZONING DESCRIPTION FOR 1704 MIDDLEBOROUGH ROAD

ELECTION DISTRICT 15 COUNCILMAN DISTRICT 6

BEGINNING AT POINT ON THE NORTH SIDE OF MIDDLEBOROUGH ROAD WHICH IS  
30' WIDE AT A DISTANCE OF 175' EAST OF THE CENTERLINE OF THE NEAREST IMPROVED  
INTERSECTING STREET, HILLTOP AVENUE, WHICH IS 30' WIDE. (BEING LOT # 55). IN  
THE SUBDIVISION OF HILLTOP PARK AS RECORDED AMONG THE LAND RECORDS OF  
BALTIMORE COUNTY IN BOOK #8, FOLIO # 32, CONTAINING 8,750 SQ. FT., .21 ACRES.

#### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 15th Date of Posting: 12/4/93

Posted for: 1704 Middleborough Road

Petitioner: Karen Diehl/Powerline Investments, Inc.

Location of property: 1704 Middleborough Road, Ellicott City, Md.

Location of Sign: Signage placed on property being posted

Remarks:

Posted by: gjs Date of return: 12/5/93

Number of Signs: 1

#### CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov 5, 1993

THIS IS TO CERTIFY that the annexed advertisement was  
published in THE JEFFERSONIAN, a weekly newspaper published  
in Towson, Baltimore County, Md., once in each of 1 successive  
weeks, the first publication appearing on Nov 4, 1993.

THE JEFFERSONIAN.

*A. Henrichsen*  
LEGAL AD., TOWSON  
Publisher

94-173-A  
173  
173





111 West Chesapeake Avenue  
Towson, MD 21204

OCTOBER 29, 1993

(410) 887-3353

David M. Meadows, Esq.  
4111 E. Joppa Road #201  
Baltimore, Maryland 21236

Re: CASE NUMBER: 94-174-A  
ITEM NUMBER: 174  
LOCATION: 1702 Middleborough Road

Dear Mr. Meadows:

Pursuant to review by Mr. Richards and/or his staff, the above matter has been incompletely rendered. Notwithstanding, it was processed through the system; enclosed you will find either a "Notice of Hearing" or "Notice of Case Number Assignment".

Re advised that the closing/hearing date, as indicated on the enclosed "Notice", will stand only if proper documentation is received within two weeks of the date of this letter. Alternatively, this case will be moved four to five weeks further out. To avoid such a delay, you must provide the following:

Copy of agent's authorization to sign for the legal owner.

New petition forms containing both the signature and printed name of the owner. (Companies include signatory's title)

New petition forms containing both the signature and printed name of the contract purchaser. (Companies include signatory's title)

*Carl Jablon*

ARNOLD JABLON  
DIRECTOR

AJ:ggg



BENEFICIAL PLUS T 410-780-4125 Nov 93 14:34 No.002 P.02

LAND TITLE/FALIN INSUR TEL No.1-410-750-3122 Nov 9.93 12:53 No.002 P.02

**Power Line Investments, Inc.**  
5209 Corporate Court  
Ellicott City, MD 21042  
(410) 462-4884

November 8, 1993

To whom it may concern,

This is to serve as verification that I, Norman A. Falin, as president of POWER LINE INVESTMENTS, INC., do grant permission herein to KAREN DYER, as Real Estate Agent for the properties located at 1702 & 1704 MIDDLEBOROUGH ROAD, to sign documentation in my behalf, for the variance for lots as noted.

Sincerely,

*Norman A. Falin*  
Norman A. Falin  
President

NAF/mg

cc: Land Title Research of Maryland, Inc.



October 26, 1993

Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management  
111 W. Chesapeake Avenue  
Towson, Md. 21204

RE: Items 173 and 174  
Zoning Variance  
Elec. Dist.: 15  
Council Dist.: 5  
Zoning: DR-5.5

Dear Mr. Jablon,

I am writing to you at the advice of Mr. Carl Richards of your office relating to the above referenced Zoning Variance Items. I have recently applied for a zoning variance for each of these properties, currently used as vacant, unimproved lots. These lots are adjacent and are consistent with the majority of the Middleborough community in Essex, Md. The reason for the variance is to allow a minimum 50' lot width in lieu of the required 55', as well as approval for an undersized lot. Each lot is 50' wide by 175' deep, .21 acres and 8,750 sq. ft., with public utilities available.

In the interest of saving time, with tentative hearing dates at the beginning of December, I would be very grateful if I may be allowed to apply for a building permit for each of these lots. I fully understand that final approval of the permits would be based upon the Zoning Commissioner's decisions at the hearings.

I have submitted elevations as well as a full set of blueprints for each of the proposed houses, both being 30' wide, thereby allowing a 10' side yard on each side of the home. I feel that both designs are in harmony with the community, and will not harm, but will probably increase the value of some of the surrounding older homes.

Thank you so much for your consideration in this matter, and I will anxiously await your reply.

Sincerely,  
Sandy Spoff Eschelman  
Sandy Spoff Eschelman  
Vice President

October 29, 1993

In accordance with your letter, this office will process the above referenced permits provided that final approval and the commencing of any construction is subject to the outcome of the zoning variance request hearings.

9720 Red Clover Court  
Baltimore, Maryland 21214

W. Carl Richards, Jr.  
Zoning Coordinator

(410) 882-6468

Speed  
Letter

RECEIVED  
OCT 27 1993  
ZADM

## GRAHAM



ELEVATION B

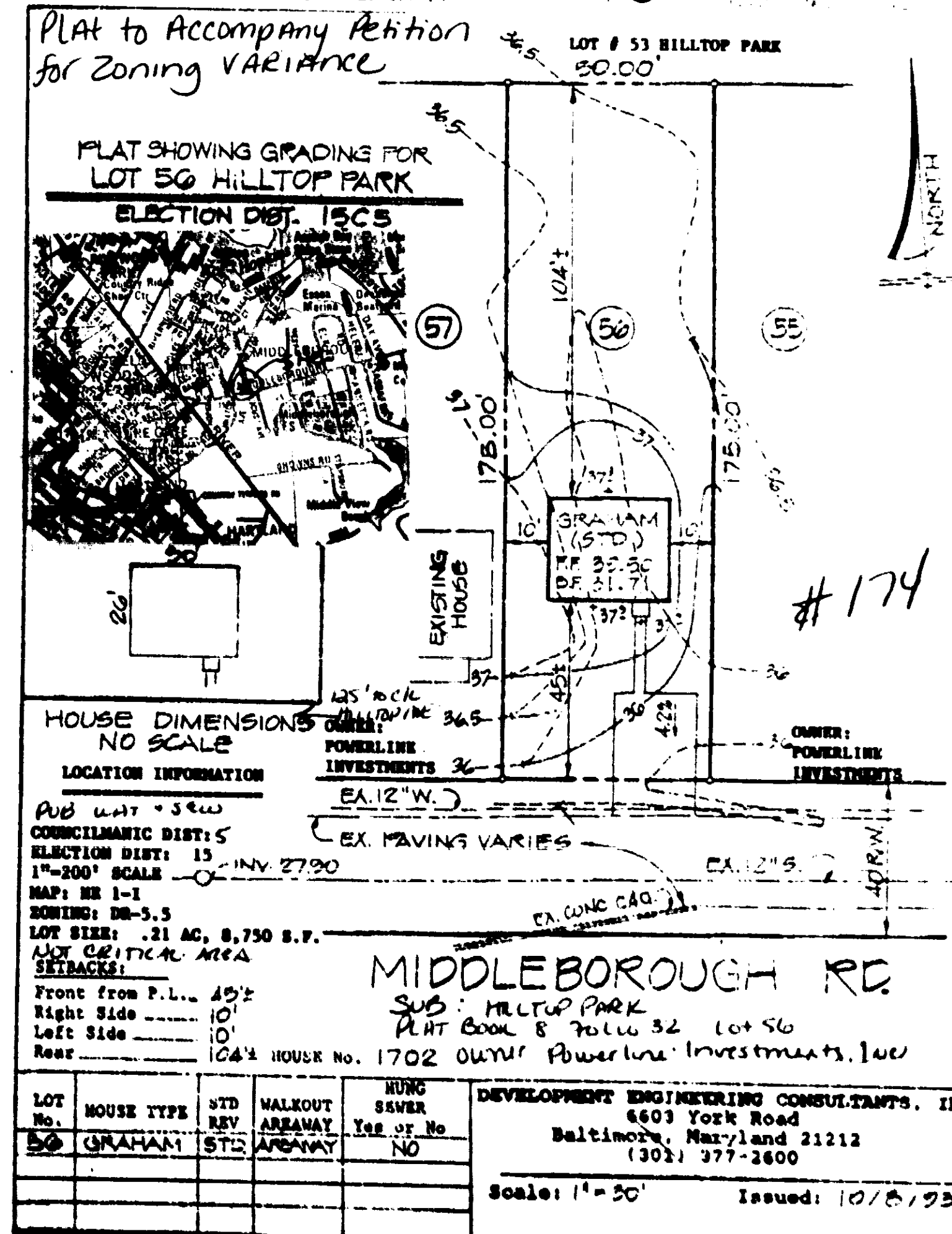
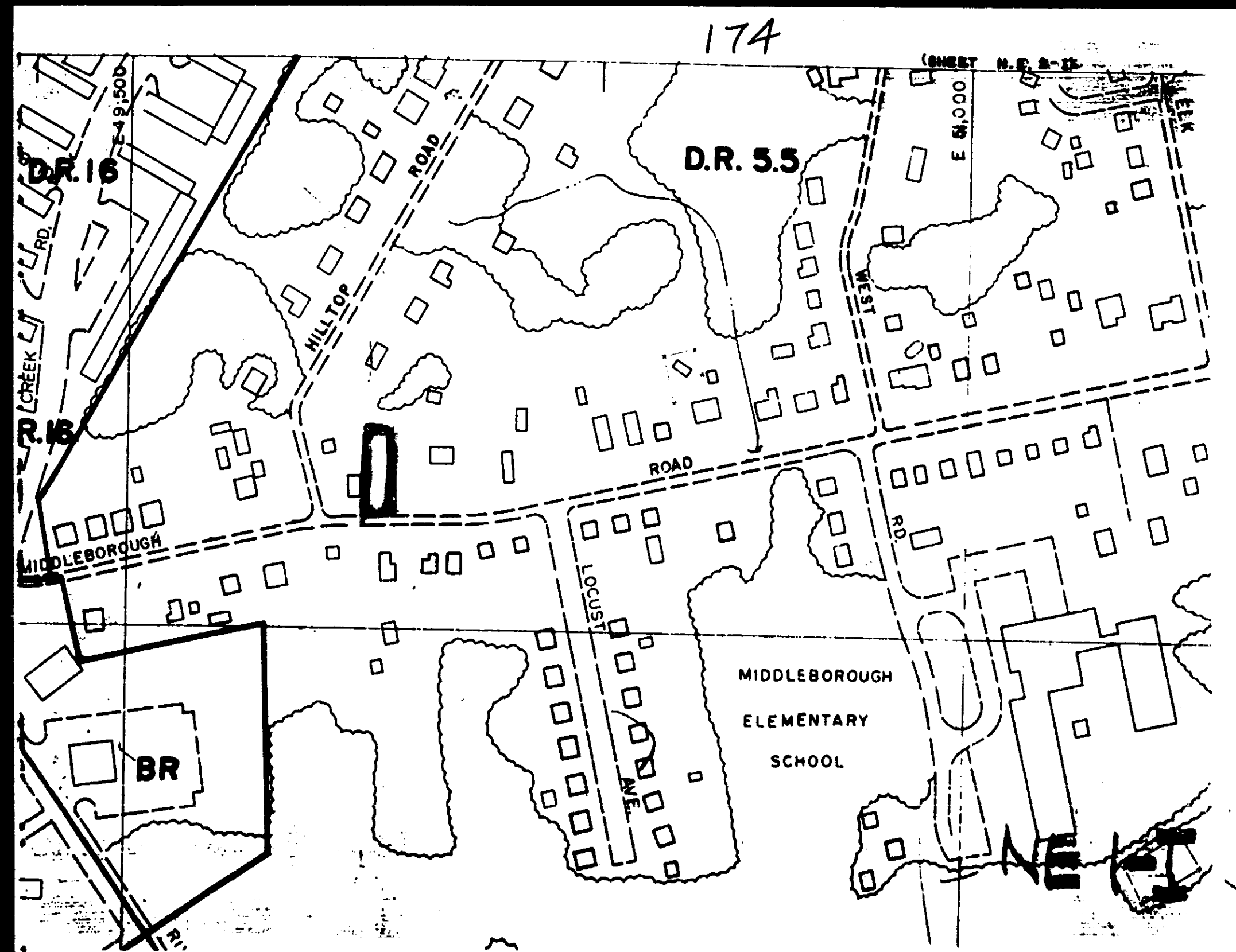
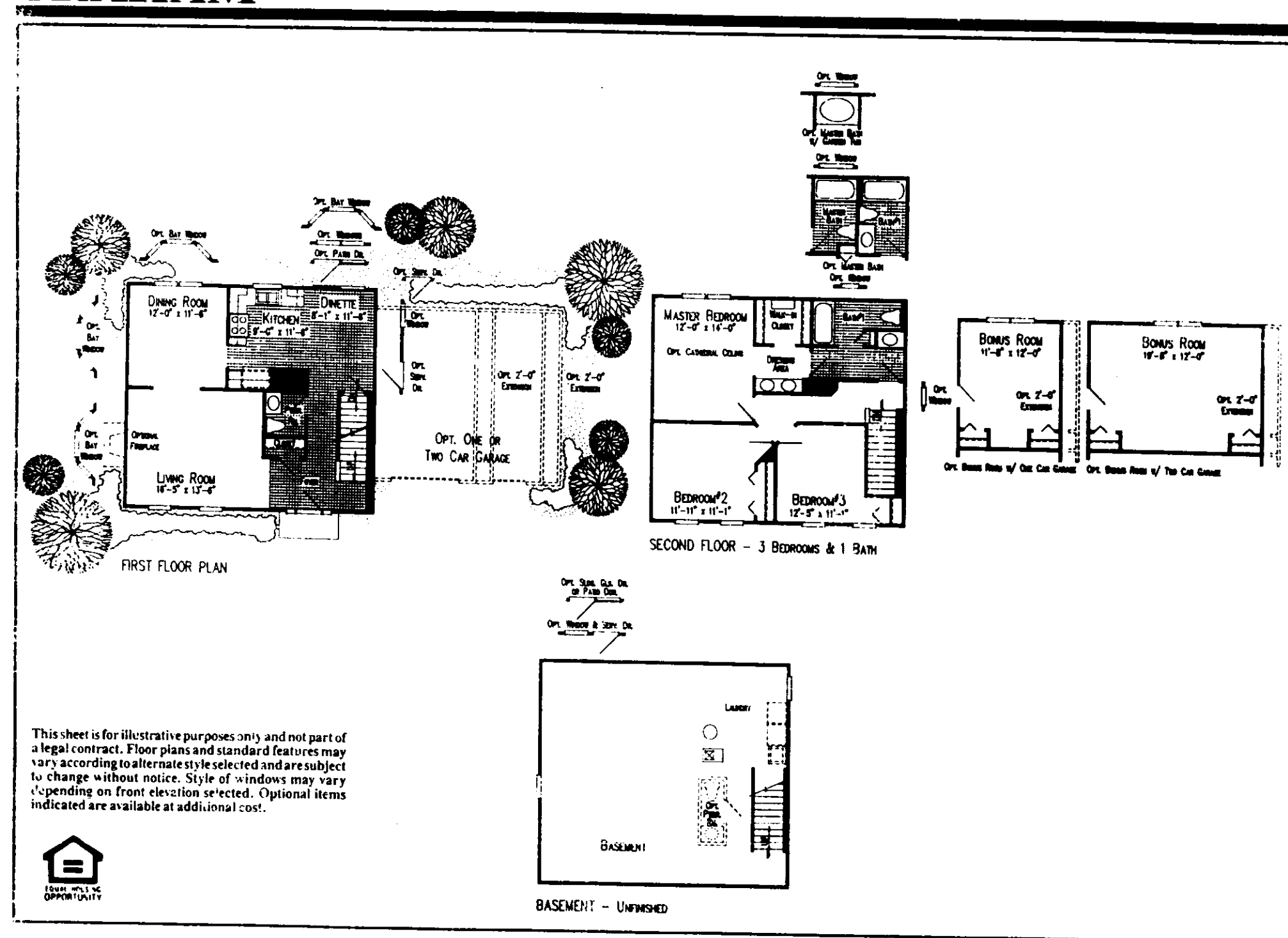


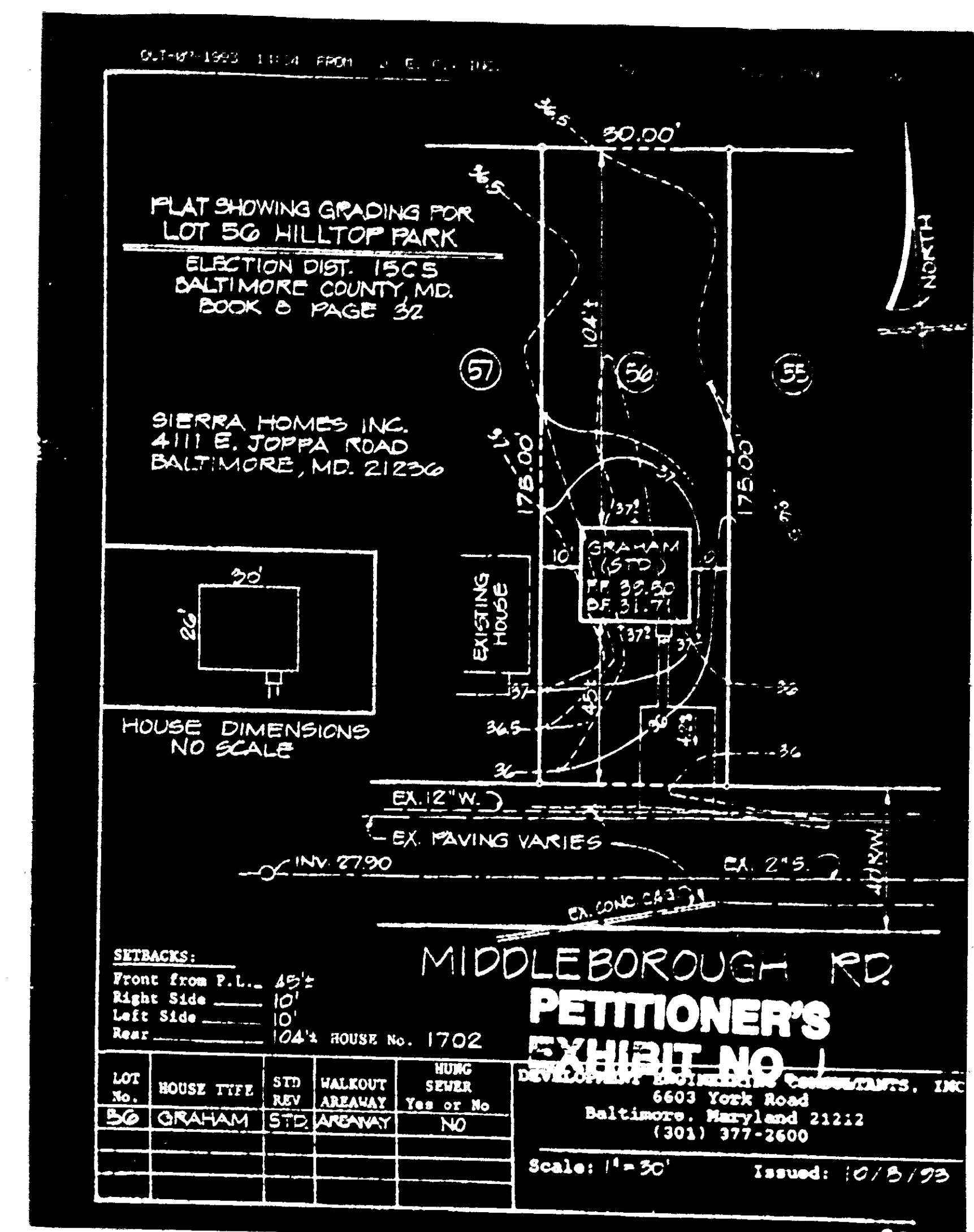
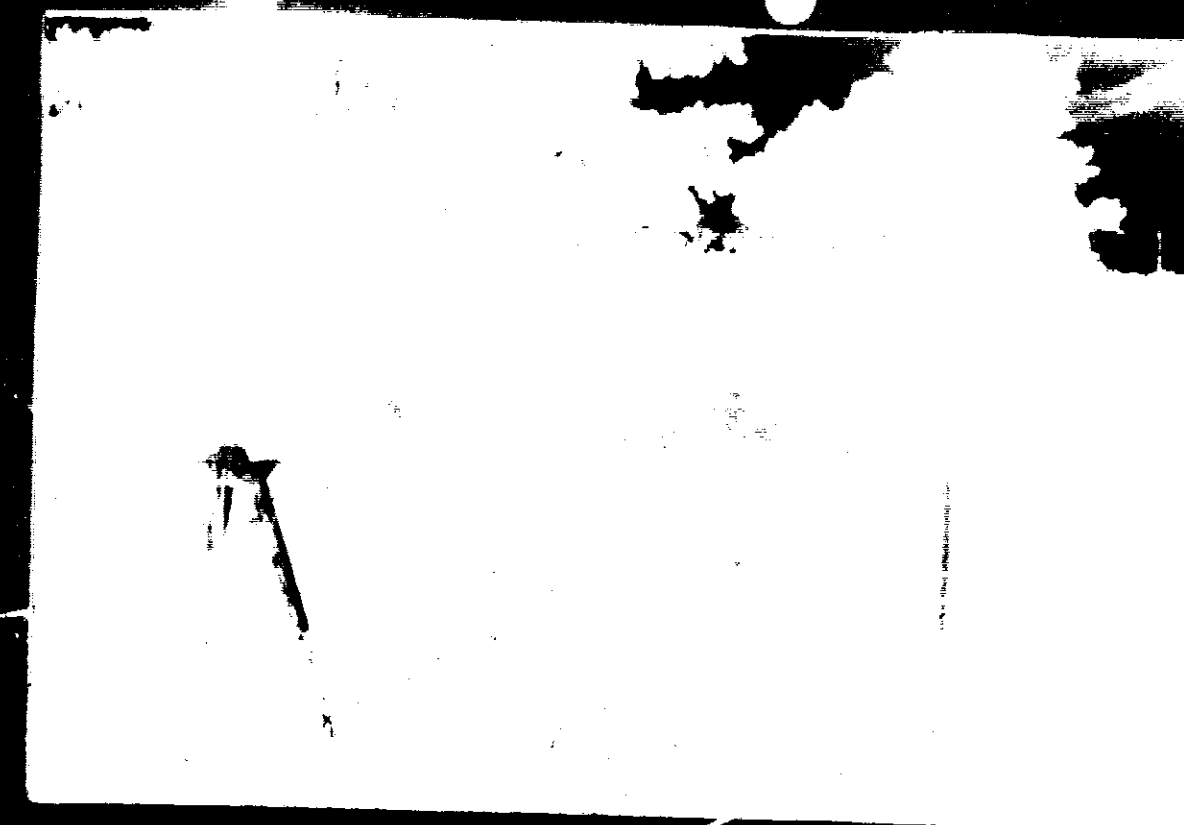
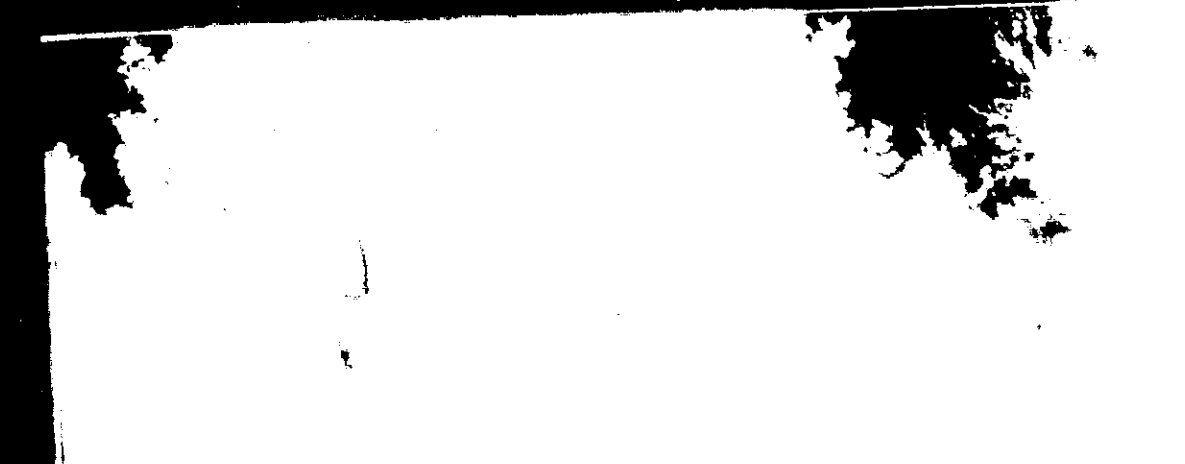
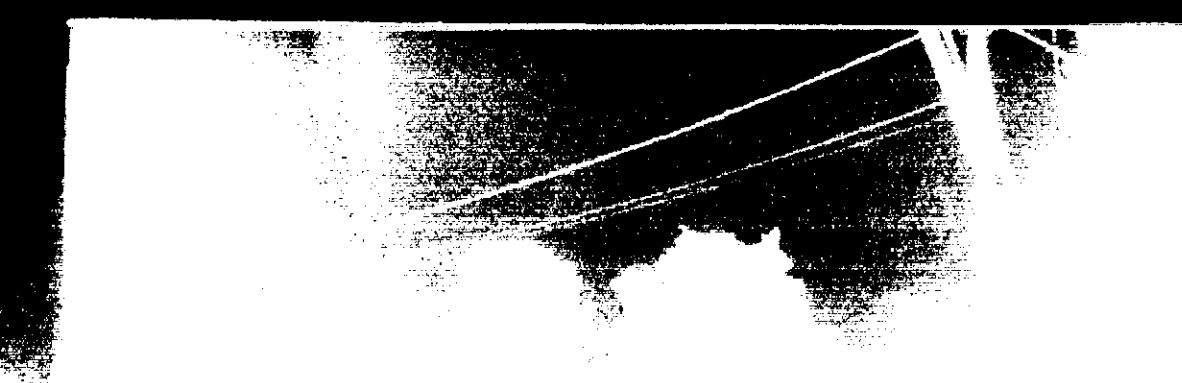
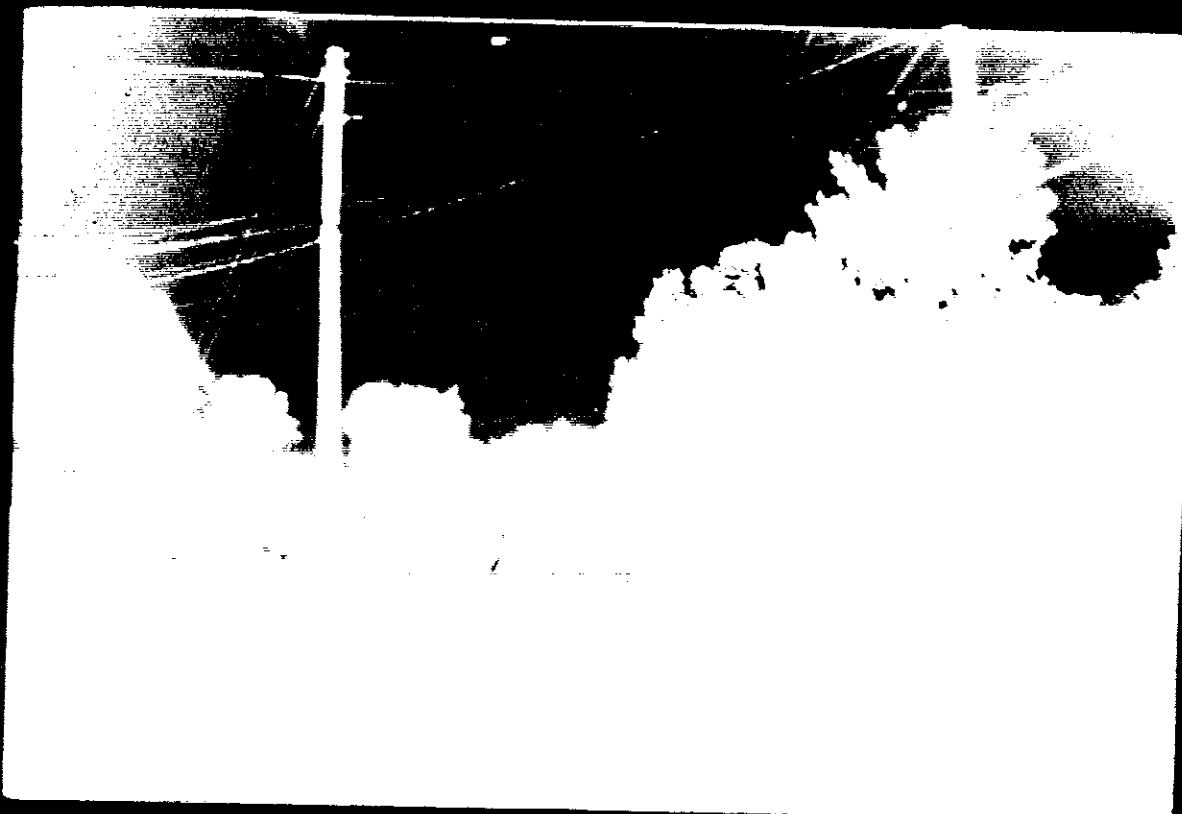
ELEVATION A



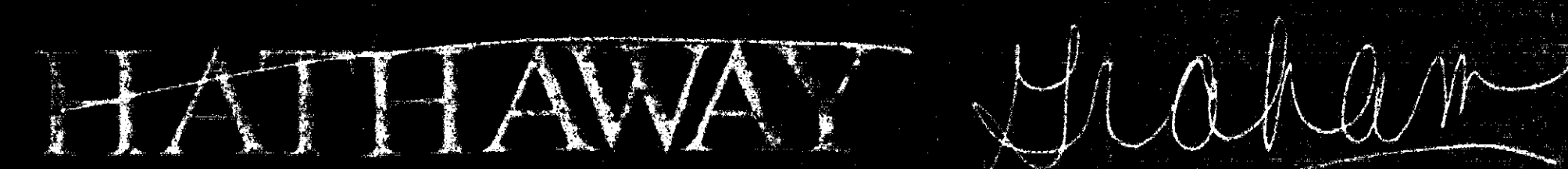
ELEVATION C

## GRAHAM







[illegible]



1-SE  
E 1/4

PHOTOGRAMMETRIC MAP OF  
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE			
708	11/15/62	1" = 200'	BACK RIVER NECK	NE 1-1
		DATE OF PHOTOGRAPHY DEC 1954		
Topography Compiled By Photogrammetric Methods AERIAL SURVEY CORP. LANSING, MICH.				

CONTINUED





111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

**ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES**

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

*Carl Jablon*  
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 173  
Petitioner: Powerline Investments, Inc.  
Location: 1704 Middleborough Rd  
NAME: Sierra Homes, Inc.  
ADDRESS: 9728 Red Clover Ct  
BALTO, MD 21234  
PHONE NUMBER: (410) 882-6468

AJ:ggg (Revised 04/09/93)

**COPY**

TO: PUTNEY PUBLISHING COMPANY  
November 4, 1993 Issue - Jeffersonian

Please forward billing to:  
Sierra Homes, Inc.  
9728 Red Clover Court  
Baltimore, Maryland 21234  
410-882-6468

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-173-A (Item 173)  
1704 Middleborough Road  
N/2 Middleborough Road, 175' E of c/1 Milltop Avenue  
15th Election District - 5th Councilmanic  
Petitioner/Owner: Powerline Investments, Inc.  
Petitioner/Contract Purchaser: Sierra Homes, Inc.

HEARING: TUESDAY, NOVEMBER 23, 1993 at 11:00 a.m. in Rm. 106, County Office Building.

Variance to permit a lot width of 50 ft. in lieu of the required 55 ft. and to approve an undersized lot.

LAURANCE E. SCHULTZ  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

OCTOBER 29, 1993

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-173-A (Item 173)  
1704 Middleborough Road  
N/2 Middleborough Road, 175' E of c/1 Milltop Avenue  
15th Election District - 5th Councilmanic  
Petitioner/Owner: Powerline Investments, Inc.  
Petitioner/Contract Purchaser: Sierra Homes, Inc.

HEARING: TUESDAY, NOVEMBER 23, 1993 at 11:00 a.m. in Rm. 106, County Office Building.

Variance to permit a lot width of 50 ft. in lieu of the required 55 ft. and to approve an undersized lot.

*Carl Jablon*  
ARNOLD JABLON  
Director

cc: Powerline Investments, Inc.  
Sierra Homes, Inc.  
Karen Diehl/Beneficial Plus, Inc.  
David M. Meadows, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 106, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

November 22, 1993

David M. Meadows, Esquire  
4111 East Joppa Road, Suite 201  
Baltimore, Maryland 21236

RE: Case No. 94-173-A, Item No. 173  
Petitioner: Powerline Investments, Inc., et al  
Petition for Variance

Dear Mr. Meadows:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on October 21, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.



Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

10-29-93

Ms. Charlotte Minton  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: 7 173 (JLL)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,  
*Bob Small*  
for DAVID M. KAMSEN, ACTING CHIEF  
John Costabile, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free  
Mailing Address: P.O. Box 717 • Baltimore, MD 21205-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21208

Baltimore County Government  
Department of Permits and Licenses



111 West Chesapeake Avenue  
Towson, MD 21204 NOVEMBER 12, 1993 (410) 887-3610

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

**MEETING OF NOVEMBER 1, 1993**

Property Owner: MHL Realty Company  
Location: 41504 Reisterstown Road  
Item No.: \*168 (MCR)  
Property Owner: John Buxton and Margaret Buxton  
Location: 47702 Park Drive  
Item No.: \*169 (RT)  
Property Owner: Edward C. Chavatel & Virginia H. Chavatel  
Location: 432 Pleasant Hill Road  
Item No.: \*170 (RT)  
Property Owner: Lee Anne Dunton & Gary C. Dunton  
Location: 4803 Katesford Road  
Item No.: \*171 (JMC)  
Property Owner: Steven W. Heiger & Peggy A. Heiger  
Location: 423 Glasshouse Garth  
Item No.: \*172 (JRP)  
Property Owner: Powerline Investments, Inc.  
Location: 41704 Middleborough Road  
Item No.: (JLL) 94-173-A  
Property Owner: Powerline Investments, Inc.  
Location: 41702 Middleborough Road  
Item No.: 174 (JLL)  
Property Owner: Carol A. Grillo and Philip R. Grillo  
Location: 4149 Arnegarh Drive  
Item No.: \*175 (JCH)  
Property Owner: Margaret Chenoweth & Donald L. Chenoweth &  
Location: 404 Belvidere 42957 Cheseek Avenue  
Item No.: \*176 (JCH)

**BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director DATE: November 8, 1993  
Zoning Administration and Development Management  
FROM: Robert W. Bowling, Senior Engineer  
Development Plan Review Section  
RE: Zoning Advisory Committee Meeting  
for November 8, 1993  
Item No. 173

The Development Plan Review Section has reviewed the subject zoning item. If the variance is granted, the property is subject to Baltimore County Development Regulations, Divisions #3, 4 and 5.

RWB:s

**INTER-OFFICE CORRESPONDENCE  
RECOMMENDATION FORM**

TO: Director, Office of Planning and Zoning  
Attn: Ellen Macdonald  
County Courts Bldg, Rm 405  
401 Bowley Av  
Towson, MD 21204  
FROM: Arnold Jablon, Director, Zoning Administration and Development Management

Permit Number  
**ITEM # 173**

RE: Undersized Lot  
Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning & Zoning prior to the office's approval of a dwelling permit.

**REQUIRE APPLICANT SUPPLIED INFORMATION**

1. **SIERRA HOMES, INC.** 9728 RED CLOVER COURT BALTO, MD 21234 (410) 882-6468  
2. Lot Address: 1704 MIDDLEBOROUGH RD Section Number: 15 Council District: \_\_\_\_\_ Square Feet: 8,750 S.F.  
3. Lot Location: W 5 W / side / corner of East from W 5 W corner of \_\_\_\_\_  
4. Lot Owner: **POWERLINE INVESTMENTS, INC.** Tax Account Number: 15-0420201  
5. Address: **3202 CORPORATE COURT** Telephone Number: \_\_\_\_\_  
**ELLICOTT CITY, MD 21043** AGENT 687-0025

**CHECKLIST OF REQUIREMENTS (to be submitted for design review by the Office of Planning and Zoning)**

REQUIREMENT	YES	NO
1. This Recommendation Form (3 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Permit Application	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Site Plan (Property (2 copies) Top Map (submit to the P&Z C&B) (2 copies) (Submit with site plan)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Building Elevation Drawings	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Photographs (taken from all four sides) Adjoining Buildings Surrounding Neighborhood	<input checked="" type="checkbox"/>	<input type="checkbox"/>

TO BE FILLED IN BY THE OFFICE OF PLANNING AND ZONING ONLY

RECOMMENDATION/COMMENTS:  
☐ Approved ☐ Disapproved ☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

Report by: \_\_\_\_\_  
Date: \_\_\_\_\_

I recommend denial of these variance petition for the following reasons:

1. The requests do not comply with Section 304.2.B.x of the BCZR.

The architectural design of the proposed dwellings is inconsistent with the architectural style of existing houses in the immediate neighborhood. The proposed dwellings are two story colonials. The vast majority of existing houses are 1 1/2 story Cape Cod cottages. The dwelling located adjacent to 1704 Middleborough Road is a rancher on a 75 foot wide lot.

2. The requests do not appear to comply with Section 304.1.C. of the BCZR. Both lots are under the same ownership and they are adjoining lots. Therefore there is sufficient adjoining land to conform to the width requirements of the regulations if only one dwelling occupying both lots is constructed.

*Francis Morsey*  
Francis Morsey

FM:rdn

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

OCTOBER 29, 1993

David M. Meadows, Esq.  
4111 E. Joppa Road #201  
Baltimore, Maryland 21236

Re: CASE NUMBER: 94-173-A  
ITEM NUMBER: 173  
LOCATION: 1704 Middleborough Road

Dear Mr. Meadows:

Pursuant to review by Mr. Richards and/or his staff, the above matter has been incompletely rendered. Notwithstanding, it was processed through the system; enclosed you will find either a "Notice of Hearing" or "Notice of Case Number Assignment".

Be advised that the closing/hearing date, as indicated on the enclosed "Notice", will stand only if proper documentation is received within two weeks of the date of this letter. Alternatively, this case will be moved four to five weeks further out. To avoid such a delay, you must provide the following:

Copy of agent's authorization to sign for the legal owner.

New petition forms containing both the signature and printed name of the owner. (Companies include signatory's title)

New petition forms containing both the signature and printed name of the contract purchaser. (Companies include signatory's title)

*Arnold Jablon*

ARNOLD JABLON  
DIRECTOR

AJ:ggg

Printed with Soybean Ink  
on Recycled Paper

BENEFICIAL PLUS

410-780-4125

Nov 9 93 14:34 No.002 P.02

LAND TITLE/FALIN INSUR TEL No.1-410-750-3122

Nov 9 93 12:53 No.002 P.02

*Power Line Investments, Inc.*

2903 Corporate Court  
Ellicott City, MD 21043  
(410) 465-4884

November 8, 1993

To whom it may concern,

This is to serve as verification that I, Norman A. Falin, as President of POWER LINE INVESTMENTS, INC., do grant permission herein to KAREN DISHL, as Real Estate Agent for the properties located at 17002 & 17004 MIDDLEBOROUGH ROAD, to sign documentation in my behalf, for the variance for lots as noted.

Sincerely,

*Norman A. Falin*  
Norman A. Falin  
President

NAP/mg

cc: Land Title Research of Maryland, Inc.



October 26, 1993

Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management  
111 W. Chesapeake Avenue  
Towson, Md. 21204

RE: Items 173 and 174  
Zoning Variance  
Fallin, David M.  
1704 Middleborough Rd.  
Towson, MD 21204

Dear Mr. Jablon,

I am writing to you at the advice of Mr. Carl Richards of your office relating to the above referenced Zoning Variance Items. I have recently applied for a zoning variance for each of these properties, currently used as vacant, unimproved lots. These lots are adjacent and are consistent with the majority of the Middleborough community in Essex, Md. The reason for the variance is to allow a minimum 30' lot width in lieu of the required 55', as well as approval for an undersized lot. Each lot is 30' wide by 175' deep, .21 acres and 8,750 sq. ft., with public utilities available.

In the interest of saving time, with tentative hearing dates at the beginning of December, I would be very grateful if I may be allowed to apply for a building permit for each of these lots. I fully understand that final approval of the permits would be based upon the Zoning Commissioner's decisions at the hearings.

I have submitted elevations as well as a full set of blueprints for each of the proposed houses, both being 30' wide, thereby allowing a 10' wide yard on each side of the home. I feel that both designs are in harmony with the community, and will not harm, but will probably increase the value of some of the surrounding older homes.

Thank you so much for your consideration in this matter, and I will anxiously await your reply.

Sincerely,

*Shady Speltz-Eshelman*

Shady Speltz-Eshelman  
Vice President

Speed  
Letter

RECEIVED

OCT 27 1993

ZADM

October 29, 1993

In accordance with your letter, this office will process the above referenced permits provided that final approval and the commencing of any construction is subject to the outcome of the zoning variance request hearings.

9728 Red Clover Court  
Baltimore, Maryland 21214

W. Carl Richards, Jr.  
Zoning Coordinator

(410) 882-6468

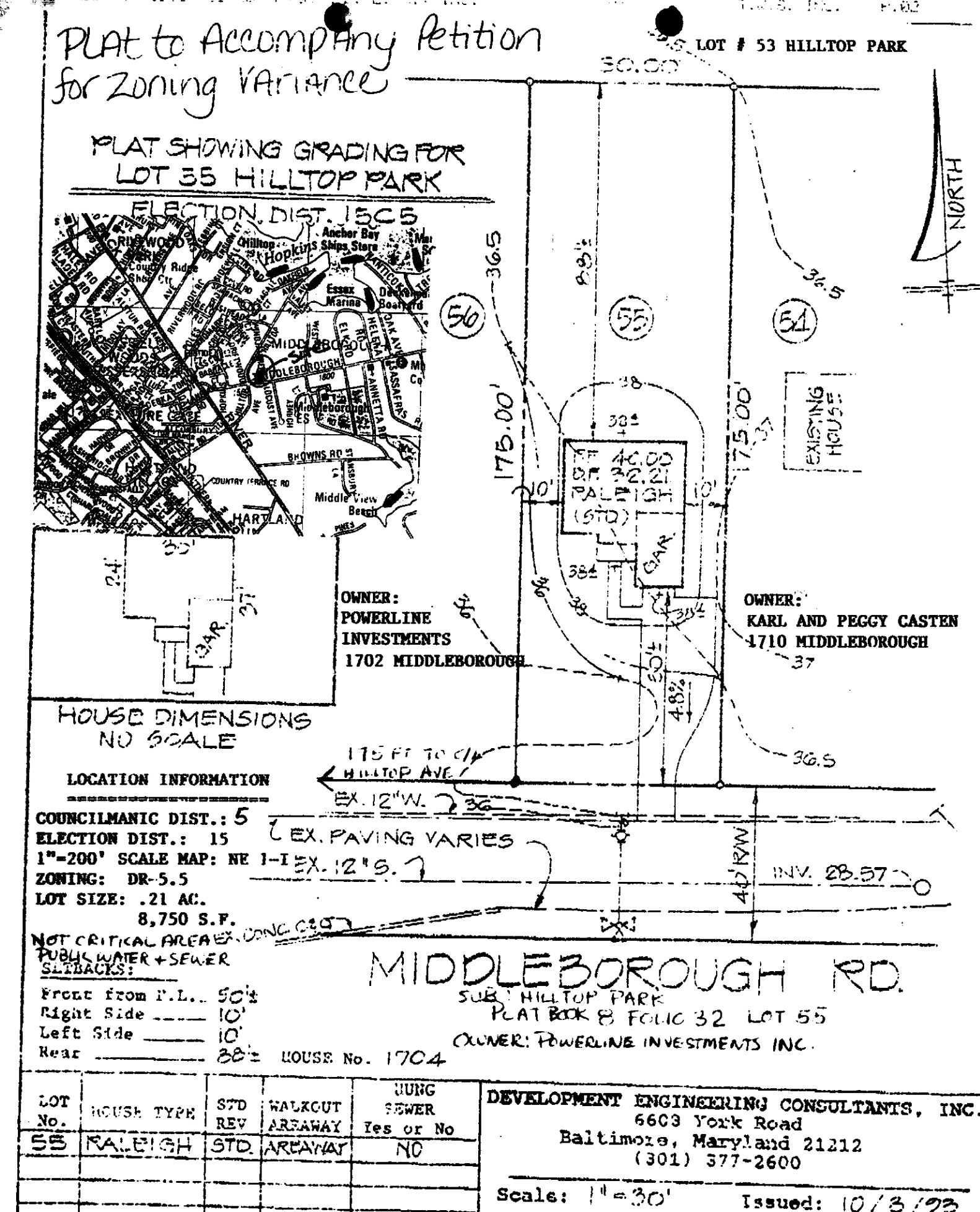
PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

*Ann Edelman*  
ANN EDELMAN  
*Howard Edelman*  
Howard Edelman  
*David M. Meadows*  
David M. Meadows Esq.

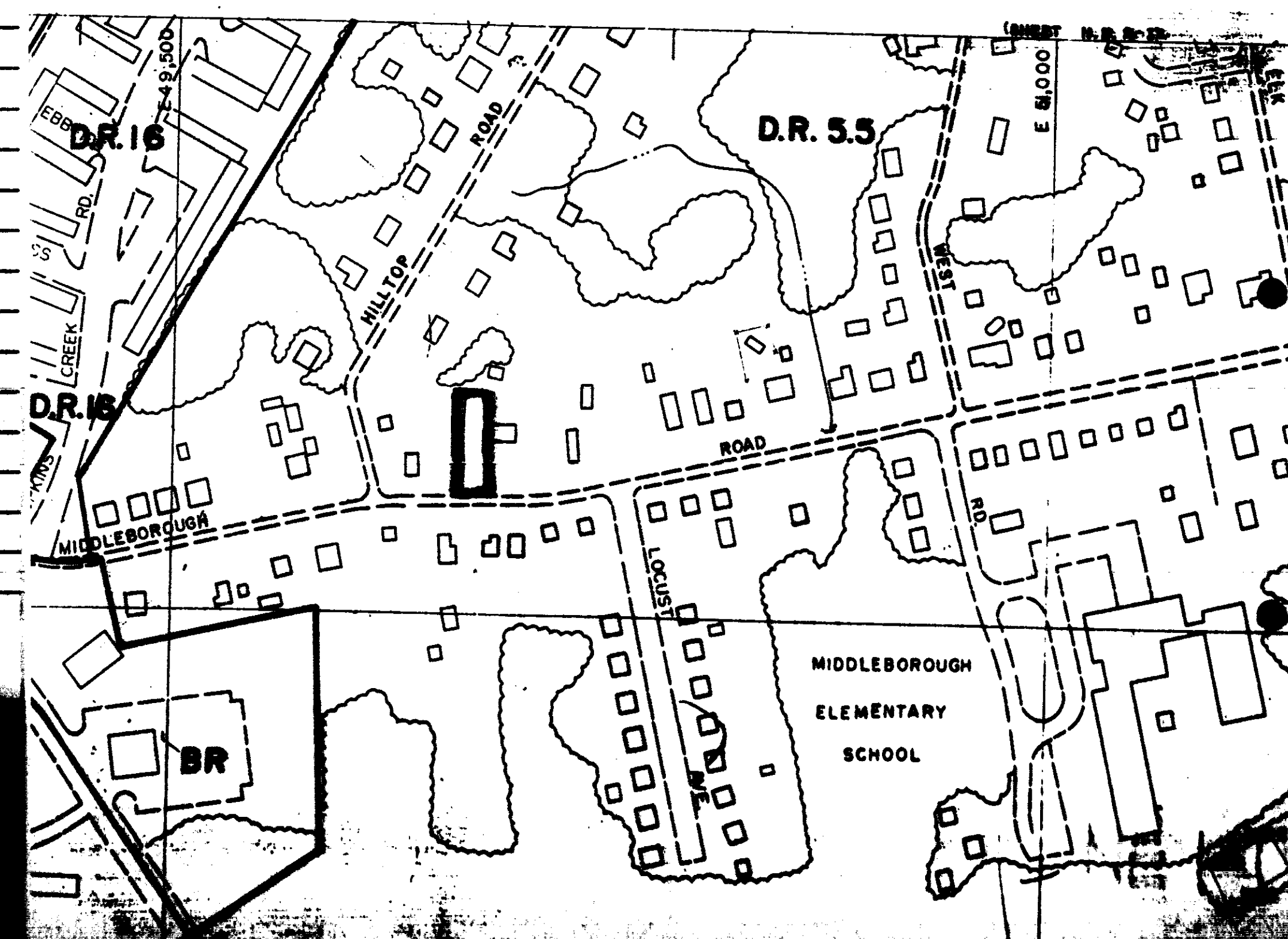
ADDRESS  
1711 Hilltop Ave. Balt. Md 21221  
1711 Hilltop Ave. 21221  
1704 Middleborough Rd. Towson  
9111 E Joppa Rd. Balt. Md 21236

Plat to Accompany Petition  
for Zoning Variance

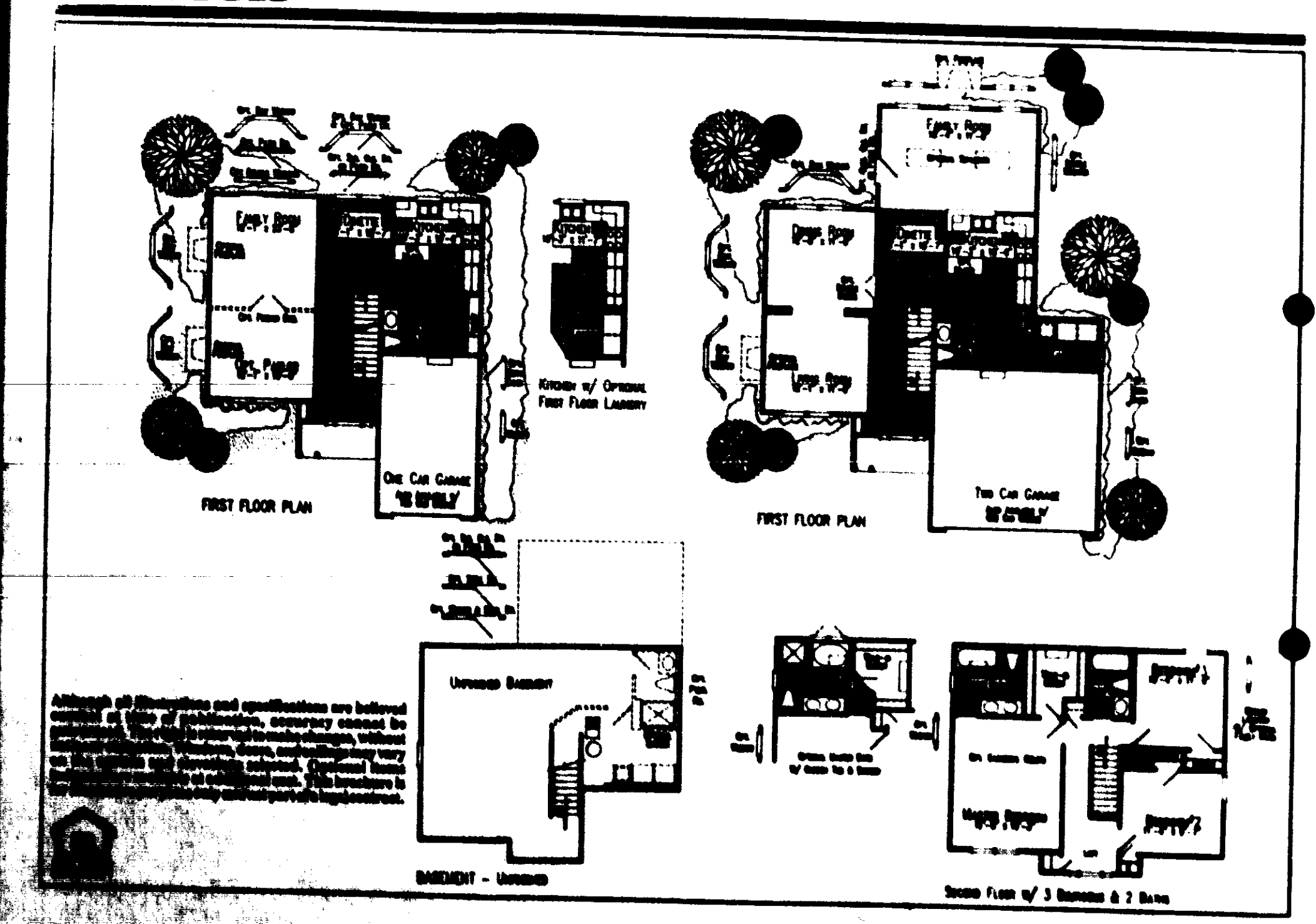


90-145

1074 P.02



ALEIGH





# RALEIGH



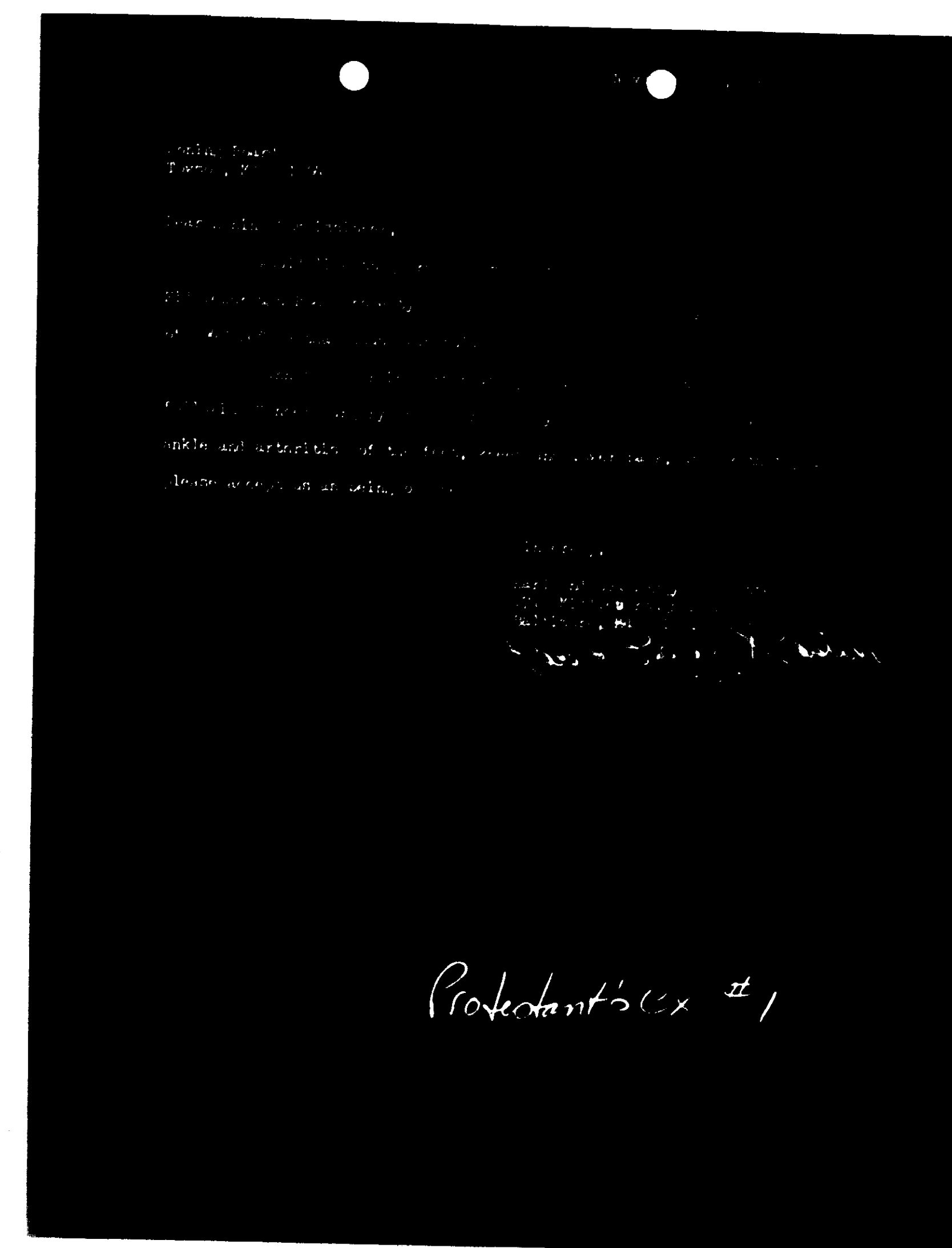
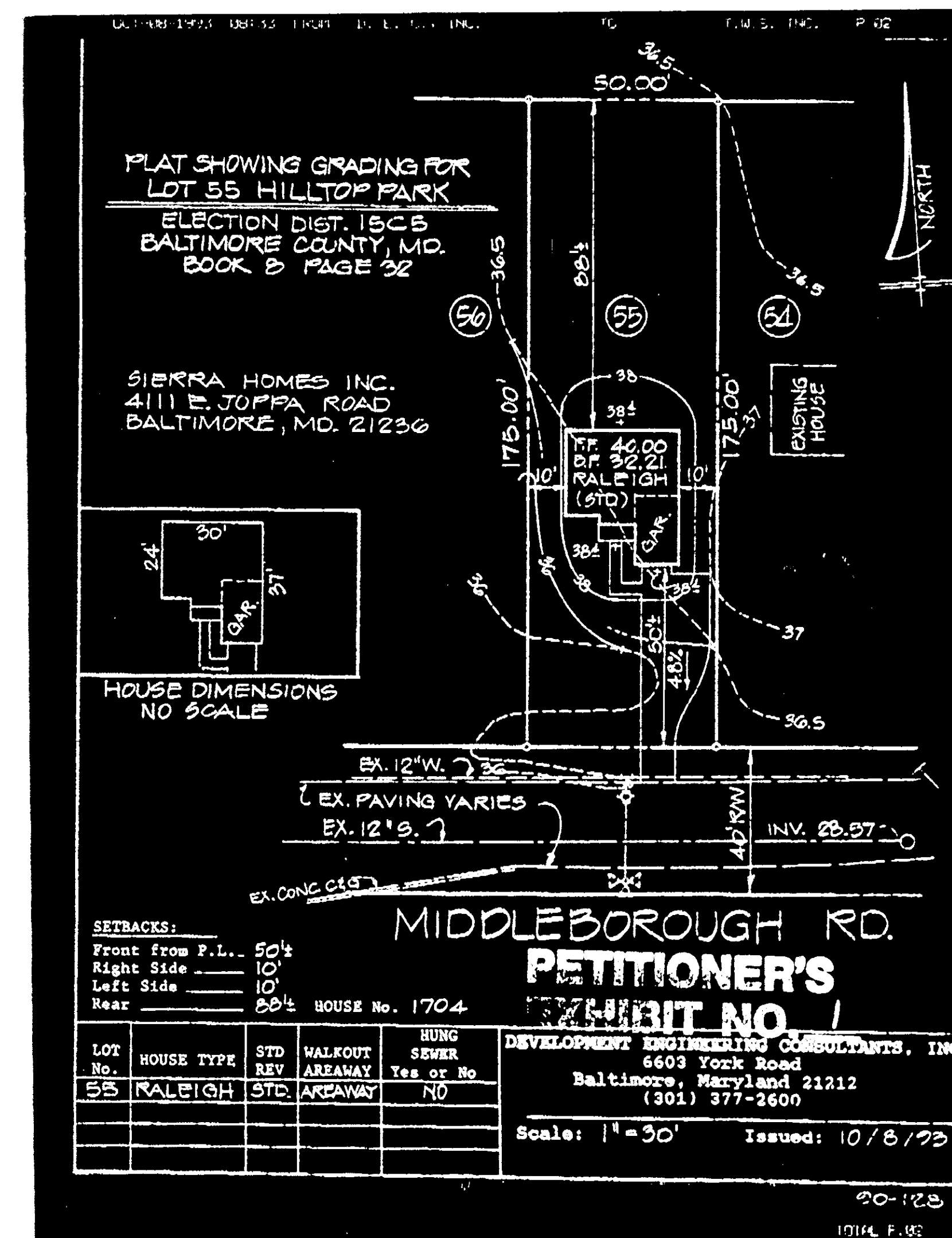
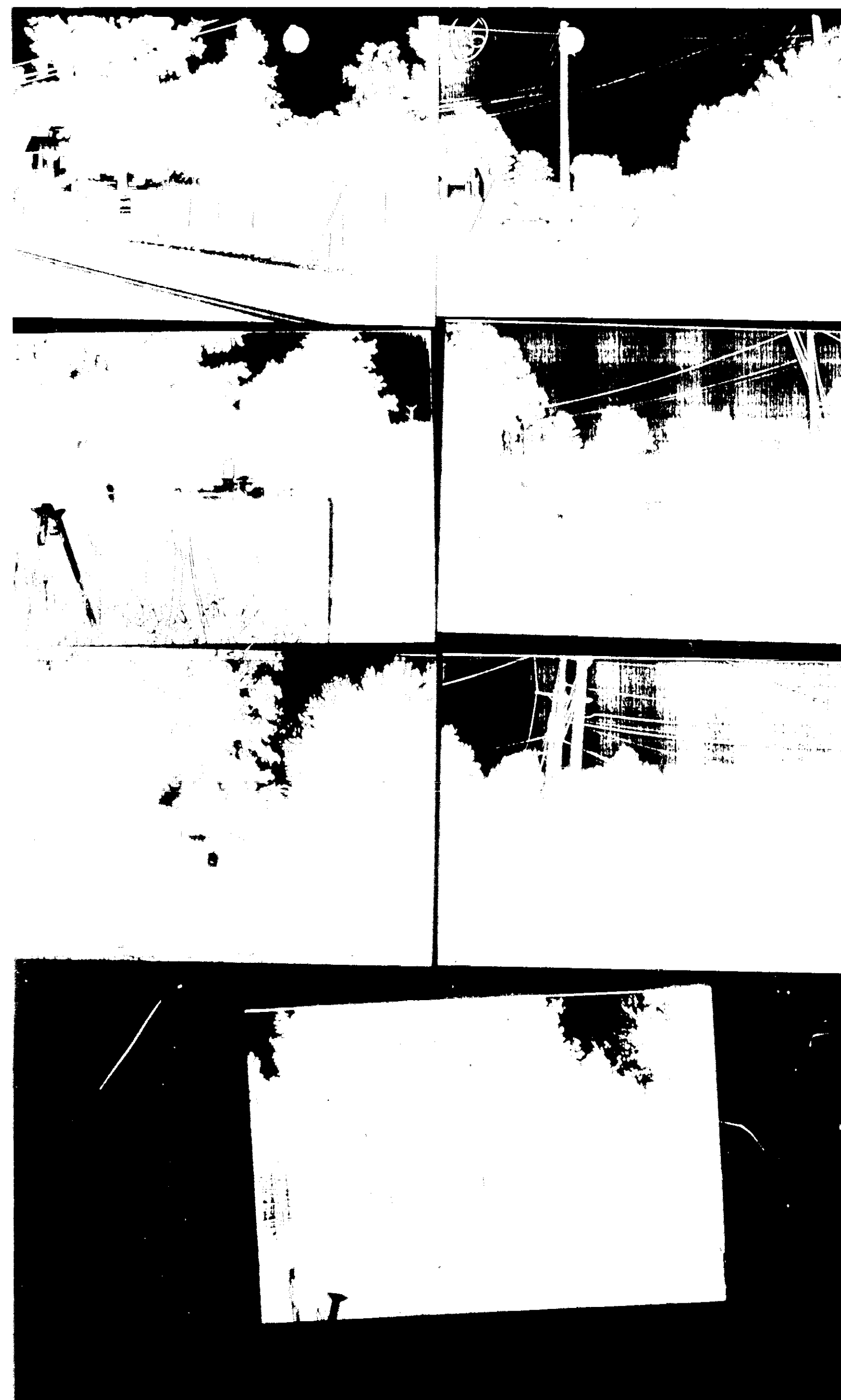
ELEVATION B



ELEVATION A



ELEVATION C



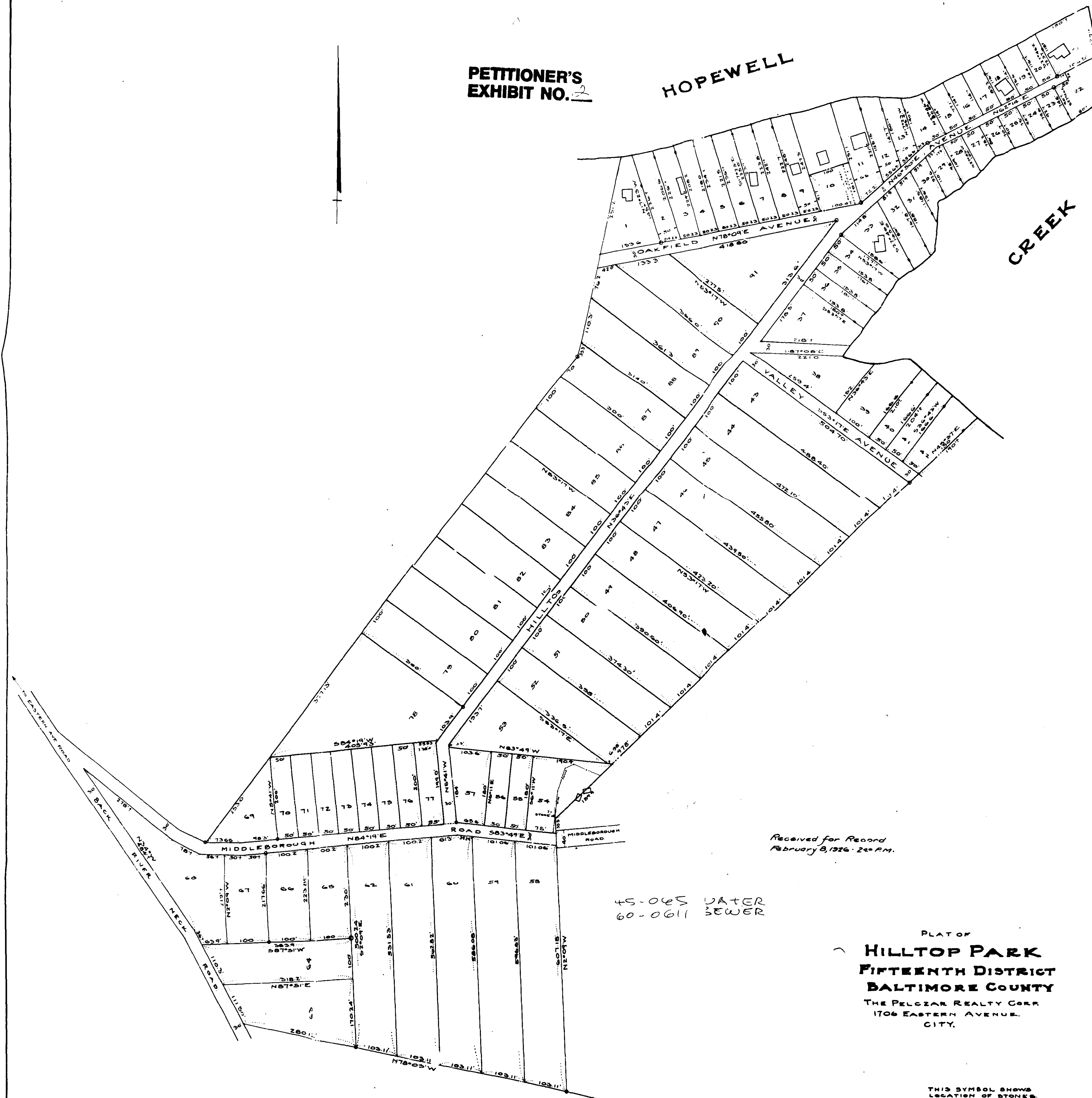
Photographs in  
Case Nos.  
94-173-A &  
94-174-A



PETITIONER'S  
EXHIBIT NO. 2

HOPEWELL

CREEK



Received for Record  
February 6, 1926 - 2:45 PM.

45-065 WATER  
60-0611 SEWER

PLAT OF  
HILLTOP PARK  
FIFTEENTH DISTRICT  
BALTIMORE COUNTY  
THE PELICAN REALTY CORP.  
1706 EASTERN AVENUE  
CITY.

THIS SYMBOL SHOWS  
LOCATION OF STONES

SCALE 1"=100' JAN 20, 1926.  
E.V. COONAN & CO.  
SURVEYORS & CIVIL ENGRS.  
231 COURTLAND ST.  
BALTIMORE, MD.



BRADFORD *Raleigh*

[illegible]





PHOTOGRAMMETRIC MAP OF  
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS		
NO.	BY	DATE
1	PER	11/15/62
DATE OF PHOTOGRAPHY DEC. 1954		

Topography Compiled By Photogrammetric Methods  
ABRAMS AERIAL SURVEY CORP. LANSING, MICH.

SCALE  
1" = 200'

LOCATION  
BACK RIVER  
NECK

SHEET  
NE  
1-1



IN RE: PETITIONS FOR VARIANCE  
N/S Middleborough Road, 175' E  
of the c/1 of Hilltop Avenue  
(1704 Middleborough Road); and  
N/S Middleborough Road, 125' E  
of the c/1 of Hilltop Avenue  
(1702 Middleborough Road)  
Powerline Investments, Inc.  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 94-173-A and 94-174-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as combined Petitions for Variance filed by the owner of the subject properties, Powerline Investments, Inc., and the Contract Purchaser, Sierra Homes, Inc. The Petitioners seek relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet for both properties, and from Section 304 of the B.C.Z.R. to permit development of both undersized lots, all as more particularly described on the site plan submitted in each case marked as Petitioner's Exhibits 1.

Appearing on behalf of the Petitions filed were Karen Diehl, a representative of Powerline Investments, Inc., and Sandy Sperl-Echelman, Vice President of Sierra Homes, Inc., Contract Purchaser. The Petitioners were represented by David M. Meadows, Esquire. Several residents of the surrounding area appeared in opposition to the relief requested, namely, Anna Kanis, and Howard and Margaret Edelman.

Testimony indicated that the subject properties, known as 1704 and 1702 Middleborough Road, are located within the subdivision known as Hilltop Park in the Essex area of Baltimore County. Said properties are also known as Lots 56 and 55, respectively. The Petitioners are desirous of developing both lots with a single family dwelling in accordance with

the respective site plans marked as Petitioner's Exhibits 1. Due to the narrow width of each lot, the relief requested is necessary in order to develop the property as proposed. Both exhibits indicate that 10-foot side yard setbacks will be maintained on each lot. In further support of their request, the Petitioners submitted architectural renderings of the proposed dwellings to be constructed.

Appearing in opposition to the Petitioners' requests were several residents of the surrounding community. The residents are opposed to the construction of a dwelling on Lot 55, or 1702 Middleborough Road, stating as the reason that other lots on this side of the road are larger than 50 feet in width and that the lot sizes should remain consistent. Furthermore, they are concerned about storm water runoff which may be generated by a dwelling being constructed on this particular lot.

Testimony revealed that Lot 55 is part of a parcel of land that has been in single ownership for the past 40 years. That is, Lot 55 is part of a larger parcel consisting of Lots 55, 56 and 57. Lot 57 has been improved with a dwelling for many years. Testimony indicated that the original owner of that dwelling purchased Lots 55, 56 and 57 at the same time and that he constructed the dwelling on Lot 57 approximately 3 feet from the lot line separating Lots 57 and 56. Evidence presented indicated that the sidewalk on the east side of that dwelling actually borders the lot line between Lots 57 and 56. In the opinion of this Deputy Zoning Commissioner, this evidence shows the fact that whoever built the dwelling on Lot 57 did not intend to construct a dwelling on Lot 56. Inasmuch as this dwelling is situated on the property line, it would be totally inappropriate to allow a new dwelling to be constructed on Lot 56 due to the lack of adequate space between the houses. Likewise, it would be inappropriate to

- 2 -

permit a new dwelling to be constructed on Lot 55. The Petitioners should only be permitted to construct one single family dwelling on Lots 55 and 56. The lot line for Lots 55 and 56 should be readjusted so that the existing dwelling on Lot 57 is not situated on the lot line between Lots 57 and 56. Therefore, given the reasons set forth above, the Petitioners' requests for variances for Lots 55 and 56 shall be denied.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variances were denied. As noted above, the existing dwelling on Lot 57 is located on the property line. To permit construction of a dwelling on Lot 56, with only a 10-foot setback from the property line, would result in the new dwelling being only 10 feet away from the existing dwelling on Lot 57. The Petitioners have failed to show that compliance would

- 3 -

unreasonably prevent the use of the property or be unduly burdensome. In the opinion of this Deputy Zoning Commissioner, it would be more appropriate for the Petitioners to construct one dwelling on combined Lots 55 and 56, leaving a greater distance between the proposed dwelling and the existing dwelling on Lot 57. This arrangement would be more in keeping with existing development on this side of Middleborough Road.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of December, 1993 that the Petitions for Variance seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet for both properties, and from Section 304 of the B.C.Z.R. to permit development of both undersized lots, in accordance with Petitioner's Exhibits 1, be and is hereby DENIED.

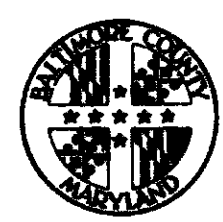
*Timothy M. Edwards*  
TIMOTHY M. EDWARDS  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

- 4 -

ORDER RECEIVED FOR FILING  
Date 12/17/93  
By gag

ORDER RECEIVED FOR FILING  
Date 12/17/93  
By gag



## Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1702 MIDDLEBOROUGH ROAD

which is presently zoned DE 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1 TO permit a lot width of 50' in lieu of the required 55' and to approve an undersized lot per Sect. 304 B.C.Z.R.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

*TO allow a minimum building lot width of 50' instead of the required 55'*

*To Be Determined At Hearing*

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Current Petitioner(s)

SIERRA/HOMES, INC.

Owner of Property

9708 RED CLOVER COURT

Baltimore, MD. 21234

City State Zip

Signature

DAVID M. MEADOWS, ESQ.

Attorney for Petitioner

4111 EAST JOPPA RD. STE. 201 #529-4600

Baltimore, MD. 21236

City State Zip

File on solemn declaration and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

POWERLINE INVESTMENTS, INC.

Owner of Property

Signature

Karen Diehl, Agent

(Type or Print Name)

Signature

3203 CORPORATE COURT 687-0025 (AGENT)

Address

ELLICOTT CITY, MD. 21043

City State Zip

Name, Address and phone number of representative to be contacted.

KAREN DIEHL/BENEFICIAL PLUS, INC.

Baltimore, MD. # 687-0025

Address

OFFICIAL USE ONLY

ESTIMATED LENGTH OF HEARING

in minutes for Hearing

By following date

RECEIVED BY

DATE

ZONING DESCRIPTION  
FOR 1702 MIDDLEBOROUGH ROAD

ELECTION DISTRICT 15 COUNCILMAN DISTRICT 5

BEGINNING AT A POINT ON THE NORTH SIDE OF MIDDLEBOROUGH ROAD WHICH IS 30' WIDE AT A DISTANCE OF 125' EAST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET HILLTOP AVENUE WHICH IS 30' WIDE. (BEING LOT # 56), IN THE SUBDIVISION OF HILLTOP PARK AS RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN BOOK # 8, FOLIO # 32, CONTAINING 8,750 SQ. FT. . .21 ACRES.

### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
TOWSON, MARYLAND

District 13th Date of Posting 12/17/93  
Posted for Variance  
Petitioner Powerline Investments, Inc.  
Location of property 1702 W. Middleborough Rd. #1 Hilltop Park  
Location of Sign Facing Hilltop Park on property being zoned  
Remarks None  
Posted by [Signature] Date of return 11/17/93  
Number of Signs 1

### CERTIFICATE OF PUBLICATION

TOWSON, MD., Dec 5, 1993

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec 4, 1993.

THE JEFFERSONIAN,  
A. Henrickson  
LEGAL AD. - TOWSON  
Publisher

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21201

(410) 887-3353

#### ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbors property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

*Arnold Jablon*  
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No. 174

Petitioner: Powerline Investments, Inc.

Location: 1704 Middleborough Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Sierra Homes, Inc.

ADDRESS: 9708 Red Clover Ct.

Baltimore, MD 21234

PHONE NUMBER: (410) 887-4442

Aj:ggg

(Revised 04/09/93)



TO: FUTURE PUBLISHING COMPANY  
November 4, 1993 Issue - Jeffersonian

Please forward billing to:

Sierra Homes, Inc.  
9728 Red Clover Court  
Baltimore, Maryland 21204  
410-882-6468

COPY

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-174-A (Item 174)  
1702 Middleborough Road  
W/S Middleborough Road, 125' E of c/l Hilltop Avenue  
15th Election District - 5th Councilmanic  
Petitioner/Owner: Powerline Investments, Inc.  
Petitioner/Contract Purchaser: Sierra Homes, Inc.  
HEARING: TUESDAY, NOVEMBER 23, 1993 at 11:00 a.m. in Rm. 106, County Office Building.

Variance to permit a lot width of 50 ft. in lieu of the required 55 ft. and to approve an undersized lot.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

OCTOBER 29, 1993

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-174-A (Item 174)  
1702 Middleborough Road  
W/S Middleborough Road, 125' E of c/l Hilltop Avenue  
15th Election District - 5th Councilmanic  
Petitioner/Owner: Powerline Investments, Inc.  
Petitioner/Contract Purchaser: Sierra Homes, Inc.  
HEARING: TUESDAY, NOVEMBER 23, 1993 at 11:00 a.m. in Rm. 106, County Office Building.

Variance to permit a lot width of 50 ft. in lieu of the required 55 ft. and to approve an undersized lot.

*Arnold Jablon*  
Arnold Jablon  
Director

cc: Powerline Investments, Inc.  
Karen Diehl/Beneficial Plus, Inc.  
Sierra Homes, Inc.  
David H. Meadows, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink  
on Recycled Paper

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

November 12, 1993

David M. Meadows, Esquire  
4111 East Joppa Road, Suite 201  
Baltimore, Maryland 21236

RE: Case No. 94-174-A, Item No. 174  
Petitioner: Powerline Investments, Inc., et al  
Petition for Variance

Dear Mr. Meadows:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on October 21, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Baltimore County Government  
Department of Permits and Licenses



111 West Chesapeake Avenue  
Towson, MD 21204

NOVEMBER 12, 1993

(410) 887-3610

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

MEETING OF NOVEMBER 1, 1993

Property Owner: MHL Realty Company  
Location: #1504 Reisterstown Road  
Item No.: #168 (WCR)

Property Owner: John Buxton and Margaret Buxton  
Location: #7702 Park Drive  
Item No.: #169 (RT)

Property Owner: Edward C. Chavatel & Virginia H. Chavatel  
Location: #32 Pleasant Hill Road  
Item No.: #170 (RT)

Property Owner: Lea Anne Dunton & Gary C. Dunton  
Location: #803 Katesford Road  
Item No.: #171 (JMC)

Property Owner: Steven W. Heiger & Peggy A. Heiger  
Location: #23 Glasshouse Garth  
Item No.: #172 (JRF)

Property Owner: Powerline Investments, Inc.  
Location: #1704 Middleborough Road  
Item No.: #173 (JLL)

Property Owner: Powerline Investments, Inc.  
Location: #1702 Middleborough Road  
Item No.: #174 (JLL)

Property Owner: Carol A. Grillo and Philip R. Grillo  
Location: #100 Armagh Drive  
Item No.: #175 (JCH)

Property Owner: Margaret Chenoweth & Donald L. Chenoweth & Edward Chenoweth  
Location: Lot Behind #2927 Chenoak Avenue  
Item No.: #176 (RT)

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: November 8, 1993  
Zoning Administration and Development Management

FROM: Robert W. Bowling, Senior Engineer  
Development Plan Review Section

RE: Zoning Advisory Committee Meeting  
for November 8, 1993  
Item No. 174

The Development Plan Review Section has reviewed the subject zoning item. If the variance is granted, the property is subject to Baltimore County Development Regulations, Divisions #3, 4 and 5.

RWB:s

INTER-OFFICE CORRESPONDENCE  
RECOMMENDATION FORM

TO: Director, Office of Planning and Zoning  
Attn: Ervin McDaniel  
County Courts Bldg, Rm 406  
401 Bowley Ave.  
Towson, MD 21204

Permit Number  
ITEM 174

FROM: Arnold Jablon, Director, Zoning Administration and Development Management

RE: Undersized Lots  
Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

1. SIERRA HOMES, INC. 9728 RED CLOVER COURT BALTO, MD 21236 (410) 882-6468  
2. Lot Address: 1702 MIDDLEBOROUGH RD. Election District: 15 Council District: 15 Square Feet: 8,750 S.F.  
3. Lot Location: W/S W side / corner of 1702 MIDDLEBOROUGH RD. East from W/S W corner of 1702 MIDDLEBOROUGH RD.  
4. Lot Owner: POWERLINE INVESTMENTS, INC. Tax Account Number: 15-04202080  
5. Address: 3202 CORPORATE COURT Telephone Number: AGENT 687-0025  
ELLICOTT CITY, MD. 21043

CHECKLIST OF MATERIALS: (to be submitted for design review by the Office of Planning and Zoning)

	YES	NO
1. This Recommendation Form (3 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Permit Application	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Site Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Building Elevation Drawings	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Photographs (Group shot of property and surrounding neighborhood)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

RECOMMENDATIONS/COMMENTS:  
☐ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

Maryland Department of Transportation  
State Highway Administration

Ms. Charlotte Minton  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No. 94-174-A

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*John Contestabile*  
John Contestabile, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is  
Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free  
Mailing Address: P.O. Box 717 - Baltimore, MD 21202-0717  
Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

I recommend denial of these variance petition for the following reasons:

1. The requests do not comply with Section 304.2.B.x of the BCZR.

The architectural design of the proposed dwellings is inconsistent with the architectural style of existing houses in the immediate neighborhood. The proposed dwellings are two story colonials. The vast majority of existing houses are 1 1/2 story Cape Cod cottages. The dwelling located adjacent to 1704 Middleborough Road is a rancher on a 75 foot wide lot.

2. The requests do not appear to comply with Section 304.1.C. of the BCZR. Both lots are under the same ownership and they are adjoining lots. Therefore there is sufficient adjoining land to conform to the width requirements of the regulations if only one dwelling occupying both lots is constructed.

FM:rdn

Francis Morsey